

**BOARD OF COUNTY COMMISSIONERS  
WASHOE COUNTY, NEVADA**

TUESDAY

10:00 A.M.

SEPTEMBER 23, 2014

PRESENT:

David Humke, Chairman\*  
Bonnie Weber, Vice Chairperson  
Marsha Berkgigler, Commissioner  
Kitty Jung, Commissioner  
Vaughn Hartung, Commissioner

Nancy Parent, County Clerk  
John Slaughter, County Manager  
Paul Lipparelli, Legal Counsel

The Washoe County Board of Commissioners convened at 10:06 a.m. in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

10:09 a.m.\* Commissioner Humke arrived and assumed the gavel.

14-0805      AGENDA ITEM 3 – PUBLIC COMMENT

Agenda Subject: "Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole."

Levi Hooper said he saw many ways he could help the community be a better place for visitors and the citizens who lived here.

Sam Dehne spoke about his community service and Tesla Motors coming to the region.

Heidi Hill Drum, Tahoe Prosperity Center Executive Director, said if the grants in Agenda Item 11 were approved, the Center would be one of the recipients. She stated the County was one of the Center's jurisdictional partners working on development at Lake Tahoe. She said Connected Tahoe was the current project, which would bring high-speed Internet service all around the Lake and would improve cell phone coverage. She stated she looked forward to continuing to work with the Commission. A copy of the card explaining the project was placed on file with the Clerk.

A-11/12/14  
7A

**AGENDA ITEM 4 – ANNOUNCEMENTS**

**Agenda Subject:** “Commissioners’/Manager’s Announcements, Requests for Information, Topics for Future Agendas, Statements Relating to Items Not on the Agenda and any ideas and suggestions for greater efficiency, cost effectiveness and innovation in County government. (No discussion among Commissioners will take place on this item.)”

Commissioner Jung said Bill St. John, U.S. Department of State International Visitor Liaison, was present along with women leaders from several countries. She stated this visit was coordinated through the International Center at the University of Nevada, Reno (UNR). She invited the women to introduce themselves.

Clonel Samuels-Boston from Guyana stated she was the Coordinator for Women Across Differences, which was a nongovernmental organization helping to empower women and young girls by providing training programs and access to social and economic resources.

Ayaka Kitashima from Japan said she was a Staff Writer for the Akita Sakigake Shimpō Press Co. Ltd. Noshiro Bureau, which was located in northern Japan.

Aleksandra Nizynska from Poland said she worked at the Institute of Public Affairs, which was a nongovernmental nonpartisan think tank. She stated she was the head of the Gender Equality Observatory, where she analyzed how men’s and women’s rights were doing in Poland.

Abeer Zaghari from Palestine stated she worked as a Project Coordinator working with youth and women leaders at the Palestinian Initiative for the Promotion of Global Dialogue and Democracy, which was a nonprofit.

Mr. St. John said he was one of about two hundred individuals under contract with the U.S. Department of State who worked with the International Visitors Leadership Program. He thanked the Commissioners and also the people who gave public comment as part of our democracy. He stated the group was participating in a five city tour, and the people of Reno had been fantastic hosts. He said the group toured Virginia City and met with several of the area’s movers and shakers yesterday. A copy of their business cards was placed on file with the Clerk.

Commissioner Hartung said he was sorry the visitors did not get a chance to see our valley without it being blanketed in smoke, because there were some amazing vistas. He thanked Mr. St. John for including the Reno area in the group’s itinerary. Commissioner Berkgigler felt it was a great honor that the City of Reno was included in their tour. She said it was great that these types of programs came to the area because they helped us keep aware of what was going on internationally.

Commissioner Berkbigler said she had been receiving e-mails regarding the Crime Lab, and she asked the Sheriff's Office to report to the Board whether or not there was a signed agreement detailing the Crime Lab/Dispatch trade with the City of Reno.

Commissioner Weber said she wanted to have a discussion regarding the business-license process, because she felt the process was flawed and a change was needed. Commissioner Jung said she also wanted a review of the business-license process regionally. She noted a business-licensing process had been done by the Shared Services Committee. She stated local business owners indicated the process by the County and the Cities of Reno and Sparks was the least business-friendly process they had ever encountered. Chairman Humke believed Storey County should be included in the discussion.

Commissioner Jung said Washoe County's team at the Northern Nevada Literacy Council's annual Spellbinder spelling bee and fundraiser included herself, Kelly Mullin, and Sandra Hartung. She stated they won this year's bragging rights with a first place win in spelling and also won first place for team spirit due to dressing as 1861ers, which was when the County originated. She said the event was fun and a good way to raise money for the Northern Nevada Literacy Council.

Chairman Humke thanked the U.S. Department of State International Visitor Liaisons for their hard work, because the International Visitors Leadership Program promoted peace and understanding.

Chairman Humke requested proclamations honoring the wild horses on the Virginia Range and the Sheriff's expired drug collection program, which stopped the drugs from being flushed down the toilet and entering the water supply.

Chairman Humke mentioned he attended the UNR School of Medicine's Project Medical Education Nevada, which showed elected officials what a medical student went through while attending medical school. He said the school was a phenomenal research and learning facility and the labs were on par with labs anywhere. He stated he held a heart, was taught how to put in stitches, and spent time in the cadaver lab where the cadavers were treated in a very respectful fashion. He thanked Richelle O'Driscoll, Director of Public Affairs, who put the day together; Susan Hill, Marketing and Communications Director; Dr. Carl Sievert, Professor; and Dr. Thomas Schwenk, University of Nevada School of Medicine Dean, for an amazing day and said he would like to acknowledge them somehow. He noted the medical students were constantly studying and, if a family could feed one or two of them a month, it would be a major deal for them. He stated he could not figure out how they found time to feed themselves, because it was such an arduous program.

**14-0807      AGENDA ITEM 5 – PROCLAMATION**

**Agenda Subject:** “Proclamation--October 1, 2014 as International Walk to School Day in Washoe County.”

Commissioner Jung read and presented the Proclamation to Washoe County School Police Officer MJ Cloud, who was the Safe Routes to School Coordinator. Commissioner Jung said the Commission did this Proclamation every year, and she liked to believe it made a difference in helping fight childhood obesity. She applauded the fact that the Washoe County School District (WCSD) stopped providing bus services based on the age of the child and where they lived in relation to their school, to encourage more walking and biking to school.

Ms. Cloud said this year Van Gorder was selected as the media school. She stated the children would learn safety tips and be rewarded with safety items. She said Glenn Duncan would also be participating, as would 10 other schools across the WCSD. She stated this event was being used as a catalyst to remind kids how much fun it was to walk to school. She stated she appreciated all of the support the County gave to the Safe Routes to School program.

In response to the call for public comment, Levi Hooper said he walked about 30 miles a day and posted the beautiful pictures he took in Reno on Facebook.

John Slaughter, County Manager, said he would be walking with the students at Glen Duncan, which was the County's Partner in Education School. He invited the Commissioners to join him at Glen Duncan if they did not have plans to walk at one of the other schools.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 5 be adopted.

**CONSENT AGENDA – ITEMS 6A THROUGH 6I(7)**

**14-0808      AGENDA ITEM 6A**

**Agenda Subject:** “Approve minutes for the Board of County Commissioners’ August 26, 2014 meeting.”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6A be approved.

**14-0809      AGENDA ITEM 6B**

**Agenda Subject:** “Cancel October 21, 2014 County Commission meeting.”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6B be approved.

**14-0810      AGENDA ITEM 6C – ANIMAL SERVICES**

**Agenda Subject:** “Approve reappointment of Linda Church to the Animal Control Board, representing County Commission District 3, for a four year term commencing on September 23, 2014 and ending on September 23, 2018--Animal Services.”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6C be approved.

**14-0811      AGENDA ITEM 6D – ASSESSOR**

**Agenda Subject:** “Approve roll change request pursuant to NRS 361.768 and NRS 361.765, for errors discovered for the 2011/2012, 2012/2013, 2013/2014, 2014/2015 secured tax roll and authorize Chairman to execute the changes described in Exhibit A and direct the Washoe County Treasurer to correct the error(s); [cumulative amount of decrease \$12,038.82]--Assessor. (Parcels are in various Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6D be approved.

**14-0812      AGENDA ITEM 6E – DISTRICT ATTORNEY**

**Agenda Subject:** “Approve Amendment to an Interlocal Agreement for Provision of Water Services in Verdi, Nevada between the County of Washoe and Truckee Meadows Water Authority following consolidation of their water operations--District Attorney. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6E be approved. The Amendment for same is attached hereto and made a part of the minutes thereof.

**14-0813      AGENDA ITEM 6F – HEALTH DISTRICT**

**Agenda Subject:** “Approve amendments [increase of \$24,049] in both revenue and expense to the FY15 CDC Public Health Preparedness Federal Grant Program, IO 10713; and direct the Comptroller’s office to make the appropriate budget adjustments--Health District. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6F be approved and directed.

**14-0814      AGENDA ITEM 6G – HUMAN RESOURCES**

**Agenda Subject:** “Approve reclassification requests of a Librarian II, pay grade N, to a Librarian III, pay grade O (Library), a vacant Principal Fiscal Analyst from pay grade R to pay grade S (County Manager), a vacant Sr. Technology Systems Developer, pay grade P, to a Technology Systems Developer II, pay grade NO (Technology Services), and a Registered Nurse I, pay grade K, to a Guardian Case Manager, pay grade L (Public Guardian) as evaluated by the Job Evaluation Committee. Net annual cost of these actions [estimated at \$13,705]--Human Resources. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6G be approved.

**14-0815      AGENDA ITEM 6H – MANAGER**

**Agenda Subject:** “Approve Fiscal Year 2014/15 cross functional project budget adjustments for Capital Project Funds 402 Capital Improvements Fund and 489 Capital Facilities Tax Fund; and direct the Comptroller to make the appropriate budget adjustments--Manager. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6H be approved and directed.

**14-0816      AGENDA ITEM 6I(1) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve a Traveling Science Exhibition Agreement [\$68,000] between Washoe County and Advanced Animations, LLC for the 2015 Spring Exhibit at the Wilbur D. May Museum entitled GROSSOLOGY. (Commission District 3.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I(1) be approved.

**14-0817      AGENDA ITEM 6I(2) – COMMUNITY SERVICES**

**Agenda Subject:** “Acknowledge receipt of the Washoe County Water and Sanitary Sewer Financial Assistance Program Status Report as of June 30, 2014. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I(2) be acknowledged.

**14-0818      AGENDA ITEM 6I(3) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve the Quit Claim Deed to Convey Water Rights transferring 1.00 acre-feet of water rights from Washoe County to the Gaymond W. Schultz and Cynthia A. Schultz Inter Vivos Trust, dated May 27, 2010. (Commission District 2.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I(3) be approved.

**14-0819      AGENDA ITEM 6I(4) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve the State of Nevada Manufacturer’s Brew Pub License, with recommendations contained in the staff report, for James M. Phalan II, dba High Sierra Brewing Company, LLC, and if approved, authorize each Commissioner to sign the State of Nevada Application for Manufacturer’s License with direction for the County Clerk to attest the license application. (Commission District 3.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I(4) be approved, authorized, executed, and directed.

**14-0820      AGENDA ITEM 6I(5) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve a CC-213 Recertification form for the Community Rating System Annual Recertification Submittal to the National Flood Insurance Program for a continued reduction in local flood insurance policy premiums. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I(5) be approved.

**14-0821      AGENDA ITEM 6I(6) – COMMUNITY SERVICES**

**Agenda Subject:** “Adopt a Resolution of Intent to Lease declaring Washoe County’s intent to lease the Galena Residence, located within the Galena Park located at 18350 Mt. Rose Hwy, to the Great Basin Institute, a Nevada non-profit, as authorized within NRS 244.284; and other matters properly related thereto--Community Services. (Commission District 1.) To be heard before Agenda Item #6.I.7.”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I(6) be adopted. The Resolution of Intent for same is attached hereto and made a part of the minutes thereof.

**14-0822      AGENDA ITEM 6I(7) – COMMUNITY SERVICES**

**Agenda Subject:** “Approve Lease Agreement between Washoe County and The Great Basin Institute to provide in-kind services to the Community Services Department as consideration for lease fees for use of the resident housing at Galena Creek Regional Park and allow for the continuation of occupancy for a 36 month term commencing October 1, 2014 through September 30, 2017--Community Services. (Commission District 1.) To be heard after Agenda Item #6.I.6.”

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Weber, which motion duly carried, it was ordered that Agenda Item 6I(7) be approved.

**14-0823      AGENDA ITEM 8 – APPEARANCE**

**Agenda Subject:** “Appearance: Mike Kazmierski, Economic Development Authority of Western Nevada (EDAWN), President and CEO. Presentation and discussion of end of the year activities and updates.”



Mike Kazmierski, Economic Development Authority of Western Nevada (EDAWN) President and CEO, noted EDAWN worked as part of a team of which the County was a very important component. He thanked the County's staff and representative, Commissioner Berkbigler, for the support they provided. He commended the Commission for wanting to discuss business licensing, because it was about government continuing to support business. He stated when they talked to businesses about this region, there was not a lot that could be offered to those companies except for indicating our local governments believed in and supported business. He said anything the County could do to move that along would be helpful, because we competed with other states that were aggressive and had incentives to offer. He said oftentimes, the speed of our governments helped us win, and he thanked them for that.

Mr. Kazmierski conducted a PowerPoint presentation, which highlighted what EDAWN did, the improvement in the area's unemployment rate, EDAWN's focus, the three legs of economic development, relocated and expanded companies in Fiscal Year 2013-14, prospect visits per month, EDAWN assisted new jobs from Fiscal Year 2008-14, hot prospects, projected announcements, EDAWN's plan – retention/expansion, components to BR&E program, examples of issues addressed, EDAWN's goals – entrepreneurial job creation, why entrepreneurial development, entrepreneurial ecosystem, how we stack up, the future of downtown Reno, "biggest little" startup community, EDAWN "product improvement," diversified business marketing campaign, Tesla Motors, the Deal – what Tesla Motors gets, the Deal – what Nevada gets, mega-deal incentives, are we ready for Tesla, EDAWN funding source, and regional public/private partners.

Mr. Kazmierski said on October 14th there would be an Existing Industry Awards Event to thank local industry for what they were doing here, and he encouraged the Commissioners to attend.

During his presentation, Mr. Kazmierski said entrepreneurial and startup growth attracted youth, venture capital, and connected with the University of Nevada, Reno (UNR). He stated that growth helped revitalize the region, so a lot of energy was being put into the entrepreneurial job creation effort. He stated governments did not acknowledge that a company existed until it obtained a business license, which did not happen until the company was in startup mode. He said EDAWN put a lot of energy into those companies long before they got a business license, which helped them connect and grow. He stated it was hoped having entrepreneurial events would let entrepreneurs look at this region differently. He stated the Kauffman Foundation recognized this region as having the highest density of entrepreneurs of any midsize community in the country.

Mr. Kazmierski noted the majority of Tesla's \$1.2 billion in incentives was performance based, which meant Tesla did not get the money if they did not perform. He stated the incentives were mostly abatements, which was not giving them money, but was taking less away from the company as they got their feet under them and

grew. He said the biggest part of the deal was the \$725 million abatement in sales taxes, which he noted most states did not even charge on equipment.

Mr. Kazmierski said on October 15th, there would be a Smarter Regions Workshop to work with the elected officials throughout the region to discuss economic development positioning.

Commissioner Hartung said having to pay a use tax on equipment being used to generate income and tax revenue made absolutely no sense, because it especially hit the bottom line of small businesses. He said the \$725 million was not really giving anything away, because they would be producing a product and generating revenues that would go to paying workers. He stated he would love to have the Legislature look at abating the use tax on equipment that was used to generate revenue and yield sales taxes. He thanked Mr. Kazmierski for the great job he did.

Commissioner Berkgigler thanked Mr. Kazmierski for the work he did, especially for his part on the team working to attract Tesla to the area. She believed his focus on growing small businesses was very important to this community, because the majority of employers were small businesses. She said the entire EDAWN team had done a marvelous job of retaining and expanding businesses in this community.

Commissioner Weber thanked Mr. Kazmierski and said it was awesome working with him on the IBM Smarter Region and the Shared Federal Framework initiatives.

Chairman Humke stated there was talk about Tesla being the beginning of an economic development wave and he asked if there were other companies showing an interest in the area because of Tesla, such as companies who would be Tesla's suppliers. Mr. Kazmierski said it was expected approximately 30 suppliers would be attracted to the region. He advised there was one prospect visit a week three years ago and a week after Tesla's announcement, there were seven. He said two or three prospect visits a week were manageable, while this week there was four. He stated that increase showed people were looking at the region differently and that Tesla's announcement was a reinforcement of the message EDAWN had been putting out for three years, which was the Reno area was a place for advanced manufacturing and the technical components needed fit well with our workforce, environment, and proximity to California. He said a lot of companies were thinking about this area a little more seriously. He stated the recognition the region was receiving was becoming international in scope with a reporter from Belgium coming here this week and one from Germany coming next week. He said that meant there was some recognition and credibility internationally that the area would be a place for higher-level manufacturing and would truly be a place for growth going forward.

Chairman Humke discussed the effect of STAR bonds on local businesses. Mr. Kazmierski said STAR bonds were about attracting retail jobs, while EDAWN focused on attracting primary jobs. He advised there was an incredible amount of competition from other states for the primary jobs. He said Nevada getting Tesla to come

to the area without offering them incredible incentives before one person was hired was the way to go, but the question was should we play the game or just let someone else win. He said if everyone in the United States did not play the game, then what about Mexico, China, or any other international community that would be very competitive in trying to get those types of jobs. He stated that was an ideological issue and other people could fight that battle, because it was EDAWN's task to help grow our region's economy and to help people get a quality job.

Chairman Humke said it was a good policy to go after a manufacturer with battery technology that no one else in the State had, because doing so would not be putting anyone else out of a job. Mr. Kazmierski said Tesla produced a broad spectrum of batteries and not just car batteries. Chairman Humke noted even though it was not clear who would be getting the money, the "What Nevada Gets" slide indicated Tesla would be contributing \$37.5 million towards education. He asked if there were any other impacts that Tesla or others would try to mitigate. Mr. Kazmierski replied it was clear the State's educational system needed funding at the State level. He said the State's tax structure was 100 years old and it needed to be updated to allow for changes in how business was conducted today. He stated the current prospects would bring in almost 5,000 jobs in the next year, while Tesla would not have an impact on jobs for at least 18 months. He said there would need to be additional funding for education at the current level of job prospects without considering Tesla's impact. He said an investment in our educational system was needed sooner rather than later. He stated in his opinion the margins tax was not the way to do it, but something needed to be done; and he sensed after talking with the Legislators, there was a real desire to do that.

Chairman Humke stated there was some concern in the southern part of the State about the Tesla deal. He asked if Mr. Kazmierski saw any changes coming in the Legislature regarding granting tax abatements. Mr. Kazmierski said Tesla was kind of a deal by itself. He stated the State would not force abatements affecting local governments unless the local governments agreed to them.

Chairman Humke noted this was a non-action item, but there was some public comment which was called for without objection.

Sam Dehne spoke about Mr. Kazmierski doing a wonderful job in the two or three years he had been with EDAWN. He said Mr. Kazmierski brought in more jobs in those years than in all of the other years he had been watching EDAWN. He discussed Mr. Kazmierski's role in bringing Tesla to the area.

Barbara Pratt addressed the Board about economic growth and conservation.

There was no action taken on this item.

**Agenda Subject: “Appearance: Wendy Garrison, Director of Juvenile Camp, China Spring Youth Camp. Presentation/overview of China Spring Youth Camp.”**

Wendy Garrison, China Spring Youth Camp Director, stated Judge Young, who was her superior in Douglas County, asked her to come before the Board to explain what the Youth Camp did and to answer questions. She said the Camp was located in Douglas County, but was funded in cooperation with the State of Nevada and the counties with its Camp’s budget set by the Legislature. She stated the Legislature decided how much the State would contribute and the rest of the funding was derived from the counties based on their school populations. She said she was aware it was an unpopular budget, because money was being sent from Washoe County to another county. She stated she was the County’s employee in Douglas County, she ran a facility for Washoe County located in Douglas County, and she cared for Washoe County’s kids at the Camp.

Ms. Garrison said the Camp housed juveniles who committed a felony act in their home county. She stated the Camp’s staff tried to teach them that, even though they thought they could get away with committing a crime because they had done so before, they had eventually got caught. She said the kids felt they had a 90 percent chance of not getting caught. She said the Camp’s staff tried to teach them they either got caught or they did not, but eventually the odds would catch up to them. She stated the Camp housed 60 kids, with 40 boys and 16 to 20 girls, and was located in a very rural area on 140 acres. She said the Camp had 11 buildings, a rope course, almost 50 employees, and the infrastructure of a small city.

Ms. Garrison stated she was aware everyone was gearing up for another Legislative Session and the Camp was in need of money as were the people in this community. She said she would do whatever the Board wanted her to do so she could answer questions about the Camp’s budget. She noted the local SWAT team trained on the rope course, and she offered that opportunity to any of the County’s public agencies, because it was the County’s course even though it was located in Douglas County. Chairman Humke said he had been to China Springs many times and it was a beautiful location.

Commissioner Weber felt it would be helpful to have a PowerPoint presentation or some type of fact sheet about the Camp, so she could share that information with others. Ms. Garrison said she did not bring anything with her today. She stated the rural counties she visited mostly wanted information about whether their kids were safe and who she was. She said it was a complicated structure and many people did not understand why the counties sent money to the Camp, why the State was involved, why the Camp was not a State facility, and who was housed at the Camp and why. She advised the kids stayed at the Camp for six months, and she acted as their guardian while they were in the Camp’s custody. She said that was a heavy responsibility, which she took very seriously. She said staff did everything a parent did times sixty, times the

mental health problems, times the judicial problems, times whatever came out about why they were in custody. She stated the Camp served as a safe place for the kids to work out the delinquent issues they had with the court, as well as taking them off the street and away from their environment for a period of time. She said they served kids who had to be in custody and worked to rehabilitate those kids. She stated she would be happy to provide an information sheet to the Commissioners. Commissioner Weber felt it would be important to place that information online and on the County's TV station. Commissioner Jung stated she also wanted data on the Camp, so she could provide it to her constituents.

Commissioner Jung asked why the kids were housed at the Camp and not held in the County's juvenile facilities. Ms. Garrison explained they started out at the County's facilities, which was a temporary placement until the adjudication of the youths determined they could not stay in their own homes. She stated out-of-home placement was expensive and judges took that fact very seriously when making their decision. She said the Camp served every county except for Clark County, which had its own program for boys. She noted the Camp was the only program for girls in the State. She stated the kids were placed in the Camp by a judge and the average stay was 158 days with the majority of the girls staying 160 days and the boys staying 150 days. She noted there was a four to six month waiting list for the boys. She said she had 24 beds for girls and 41 beds for boys, while she usually had 16 girls and 40 boys. She said the age range was 12 to 18 years old and the average age was 15.5 years. She noted there were also differences in treating the girls versus the boys. She said the girls demanded help and did so early in the program, while the boys were reluctant to talk and did so later in the program, if at all. She advised no child was released unless they were ready but, if they needed to come back for whatever reason, they could come back; and there had been some boys who had been in the program for a year and a half. She said the youth agreed to come back in return for not going to a State facility.

Commissioner Jung asked what the boys did in the four to six months they were on the waiting list. Ms. Garrison said they were held in their home county's detention center and, if they could be, they were sent home with ankle monitors. She stated there was generally an agreement to not keep kids in custody for 30 days, so it did put pressure on the bed population; but she reiterated the kids did not go home until they were ready. She said the Children's Cabinet and a few other organizations provided Washoe County with a strong structure for after-care planning, which was not found in the rural counties. She stated in those cases, they had been trying to get the parents to use a telecommunications service, so they could visit with their child and get them into counseling and hooked up with services. She said the kids would work to change, but they were then released into the same environment which could be disheartening for them.

Chairman Humke spoke about the support of the Camp being an unfunded mandate, and he asked how much Washoe County paid yearly to help run the Camp. Ms. Garrison said the last assessment was about \$1 million. She stated the funding came from property taxes and was based on the K-12 student population in every county except

Clark County. She said the higher the student population, the higher the tax. She stated her visit today was not to ask for money, which she was aware was a very sore subject. Chairman Humke said his issue was not about the kids, because they were good kids.

Commissioner Jung asked how many kids from Washoe County were housed at the Camp. Ms. Garrison said 50 percent of the kids were from Washoe County on any given day. Commissioner Weber requested a breakdown of the funding from Washoe County. Ms. Garrison said she presented to the Board during Douglas County's budget hearings, because she had to get their permission for things. She stated she did not do that with the other counties that contributed to the budget, but she was offering to be more transparent and to do what she could to help answer questions or to change the system. Chairman Humke said things were fermenting within the State's Juvenile Justice system, and he felt the Elko facility was not long for this world. He stated this County's juvenile courts were not fond of sending kids to Elko due to it being so far away and made it hard for families, especially those without wheels, to get to the Camp to participate in the programs for their children.

Chairman Humke said he was not criticizing the program, but the Camp's geographical location and it being an unfunded mandate. He said he would like to see something located close to Washoe County. Ms. Garrison said there was a Supreme Court Commission on Juvenile Justice reform, which had been meeting since the last Legislative session. She said there had been discussions about closing Elko and building another facility. She stated the judges visited Elko and determined it would not be closing because of how good the program was. She said Elko would continue to be used as the northern facility for the State's commitment. She stated there was also discussion about combining all of the facilities.

Ms. Garrison said the Camp was treated as a prison under the federal Prison Rape Elimination Act (PREA), which accounted for the increase in the budget. She stated an 8 to 1 ratio had to be reached by 2017, which would be a challenge. Chairman Humke said PREA was a federal mandate at the adult level, as well as the juvenile level, for any facility that held a juvenile in detention. He stated that was a mandate, but it was a good one. He felt the Justices were invading the purview of the Executive and the Legislative branches of government. He said he was looking for some people to step forward and say both branches needed to do their duty to properly fund the facility.

Commissioner Berkbighler stated her concern was there were children that were not getting the care they needed in their own home, which meant they had to go somewhere. Chairman Humke said he was not criticizing the program, and he reiterated his concerns. He stated trying to find a site in a county like Washoe would be difficult due to concerns by neighbors. He believed the requested documentation would help the Commissioners and acknowledged there would be updates during the Legislative Session. Ms. Garrison said she would work with staff to determine the best way to get the information to the Commissioners. She stated she did not disagree with anything

Chairman Humke said, and there would be challenges wherever a facility was put due to the State's layout and because it served 16 counties.

Ms. Garrison said an annual golf tournament was held to raise money for the parents to come see their kids in addition to being able to hold teleconferences with them. She stated the Camp was expensive, but building other facilities across the State would also be expensive.

There was no public comment or action taken on this item.

**14-0825      AGENDA ITEM 10 – APPEARANCE**

**Agenda Subject: “Appearance: Jim Holmes, Chairman of Northern Nevada DUI Task Force. Presentation regarding overview of Northern Nevada DUI Task Force. (Requested by Commissioner Hartung.)”**

John Slaughter said Jim Holmes, Northern Nevada DUI Task Force Chairman, was unable to be present today, but Christine Adams, Victim Impact Panel Manager, would present an overview of the Task Force.

Commissioner Hartung said the Northern Nevada DUI Task Force had been looking for a facility in which to hold their meetings. He stated the Task Force would be using the Commission Chambers and were talking with High Sierra Industries/Washoe Ability Resource Center (HSI/WARC) about cleaning the facility when the meetings were over. He felt it was important to employ those people and to help the Task Force complete its mission. Ms. Adams said there had been a meeting with staff and staff would like the County's cleaning crew to continue to clean the inside areas, but HSI would clean the grounds. She stated if there was a need to supplement the cleaning being done inside the building, then HSI would be employed to do that work.

Ms. Adams reviewed the PowerPoint presentation highlighting who the Task Force was, what it did; its primary function, which was the Victim Impact Panel; and its volunteers.

Chairman Humke thanked Commissioner Hartung for his assistance in getting the Victim Impact Panel back in the Commission Chambers. He said the decision to offer the Chambers to be used by the Task force came down to needing some janitorial assistance, which was achieved.

Commissioner Hartung thanked the Task Force for the great work they did. He said the Sheriff's Office was out checking the parking lot for people driving with a suspended license or who were inebriated and arrested them immediately. Ms. Adams said that was not being done due to current staffing levels, but hoped to get back to doing that again. Commissioner Hartung said it was sad it took tragedies to make people recognize the danger of drunk driving. He stated Jim Holmes and his wife had such a wonderful impact in the community. Ms. Garrison said they had been speaking to the

Victim Impact Panel for 18 years. Chairman Humke thanked Mr. and Mrs. Holmes for making something positive out of the tragic loss of their son.

Ms. Garrison said the Task Force's goal was "No new victims." She stated it was a choice to drink and a choice to drive, and everyone was asked to make a good choice. She said the Task Force really appreciated being able to use the Commission Chambers.

There was no public comment or action taken on this item.

**12:09 p.m.** The Board convened as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

**1:39 p.m.** The Board adjourned as the Truckee Meadows Fire Protection District (TMFPD) and the Sierra Fire Protection District (SFPD) Board of Fire Commissioners.

**BLOCK VOTE – AGENDA ITEMS 12, 13, AND 14**

**1:40 p.m.** Commissioner Hartung left the meeting during the reading of the Block Vote items.

**14-0826 AGENDA ITEM 12 – SENIOR SERVICES**

**Agenda Subject:** "Recommendation to accept supplemental grant award from the Nevada Aging and Disability Services Division for the following Older Americans Act Title III Programs: Nutrition Services Incentive Program [\$115,503, no match required] retroactive from October 1, 2013 through September 30, 2014; and direct Comptroller to make the appropriate budget adjustments--Senior Services. (All Commission Districts)"

Commissioner Weber asked why the supplemental grant award was retroactive until October 1, 2013. John Slaughter, County Manager, said the second paragraph of the summary in the staff report contained an explanation regarding why this item was retroactive.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 12 be accepted and directed.



14-0827      **AGENDA ITEM 13 – SOCIAL SERVICES**

**Agenda Subject:** “Recommendation to approve Agreement between the County of Washoe and Action for Child Protection [up to \$650,000, this amount is inclusive of \$225,000] to be subcontracted to the Ruth Young Center, for continued technical assistance and training to the Department; approve a Subgrant Agreement between Washoe County and The Children's Cabinet [\$1,357,635] to provide case management and supportive services to SAFE-FC families effective September 30, 2014 through September 29, 2015; and execute Resolution authorizing the Grant of Public Money to a Private Nonprofit Organization--Social Services. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 13 be approved and executed. The Resolution for same is attached hereto and made a part of the minutes thereof.

14-0828      **AGENDA ITEM 14 – SOCIAL SERVICES**

**Agenda Subject:** “Recommendation to approve Eighth Amendment to Agreement for Child Protection Facility Operator at the Kids Kottage between the County of Washoe and Core Dynamics, LLC (formerly Adams and Associates, Inc.), which provides for a two month extension of the current contract [approximate amount \$600,000] for the operation of the Child Protection Shelter Facility, extending the expiration to November 30, 2014 with one 31 day renewal option--Social Services. (All Commission Districts.)”

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Weber, which motion duly carried with Commissioner Hartung absent, it was ordered that Agenda Item 14 be approved.

14-0829      **AGENDA ITEM 11 – MANAGER**

**Agenda Subject:** “Recommendation to approve (retroactive to July 1, 2014) Washoe County, Nevada Grant Program Contracts FY 2014-2015 for Washoe County Special Purpose grants in the following amounts: Incline Village General Improvement District [\$50,000], Economic Development Authority of Western Nevada [\$41,300], Access to Healthcare Network [\$31,500]; Incline Village Community Hospital Foundation [\$27,000], and approve grants to Silver State Fair Housing Council [\$10,000]; Tahoe Prosperity Center [\$5,000]; and Western Nevada Development District [\$5,500]; approve Resolutions necessary for same, and direct

**Comptroller's Office to make the appropriate budget adjustments--Manager. (All Commission Districts.) Continued from July 22, 2014 County Commission meeting."**

John Slaughter, County Manager, noted the approval of the Special Purpose Grants was continued from a previous meeting.

Commissioner Weber said her concerns expressed at the previous meeting had not been mitigated. She believed the grants should be changed or the Board should approve them as is for this year. She said Incline Village might have indigent or low income families, but typically the grants had been for low-income communities. She felt the low-income communities were missing out with this community getting the grants for many years.

Commissioner Jung said she met with staff about this program, which was based on economic need, and she felt it could be a more robust program than what it had become. She stated she did not want to go forward with the grants this year, because the money needed to be prioritized according to the greatest need and the most affect it could have. She said the current recipients did not make the most sense for receiving tax dollars. She stated during the meeting with staff, there was discussion about each Commissioner having a special purpose fund, which could be awarded as they chose. She said that way there would be no value judgment on whether the community was really needy. She stated the questions were how many people would the grant touch and did the organization even qualify for the grant. She said she knew that senior services for the Incline Village General Improvement District (IVGID) did not qualify, which could cause problems if Older Americans Act money was being used there. She said her comments were not a criticism of staff but of the historical process. She stated she had not agreed with getting rid of the Special Purpose Grants Committee, but there was so little money during the recession that Gabrielle Enfield, County Grants Administrator, felt it would cost the recipients more in administrative time than the grant was worth.

Commissioner Jung said the reason for bringing this item back was to give direction to staff to come up with various options within the law and the budget authority available. She believed that was what should go forward, because she felt it was clear the Board did not want to go forward with the grants as they were.

1:48 p.m. Commissioner Hartung returned to the meeting.

Commissioner Berkbighler stated she had a couple of discussions with staff about the grants, and she was not opposed to what Commissioner Jung was talking about. She said the Tahoe Prosperity Center worked on economic development in the Lake Tahoe area, which was an important issue that was not handled by the Reno-Sparks Convention and Visitors Authority (RSCVA) or the Economic Development Authority of Western Nevada (EDAWN). She stated she would hate to see the Center lose access to the County's money. She reminded the Board that the Incline Village Community Hospital Foundation was unique due to a lot of people needing treatment because they were injured while recreating and also because not everyone living in Incline Village was

wealthy. She stated just because it was Incline Village did not mean additional funds were not needed.

Commissioner Weber agreed with Commissioner Jung about staff coming back to the Board with ideas. She asked if there was a deadline of any kind. Ms. Enfield responded the proposed grants were retroactive to July 1 and were using current Fiscal Year funds. Commissioner Weber said her preference would be for each Commission District to be allocated funds and to have the ability to support another District if the cause was something they wanted to support.

Chairman Humke noted he never heard anything about the Western Nevada Development District anymore, and he asked why money was being sent to other counties when Washoe County had EDawn.

Commissioner Jung said when staff came back with their recommendations, she would like to see a history of who received funds back when the funds were being granted regionally. Ms. Enfield said the history provided went back to 2003/04, but she might be able to go back a few more years.

There was no public comment on this item.

On motion by Commissioner Jung, seconded by Commissioner Berkgigler, which motion duly carried, it was ordered that staff be directed to provide at least three options for the Board, while taking into account the highest and best use of the funds, and that at least one option be to provide funds for each Commission District. It was also ordered that the historical data go back to the 2003/04 Fiscal Year and include the agencies that received the funds and who their executive directors were at the time.

**14-0830      AGENDA ITEM 15 – COMPTROLLER**

**Agenda Subject:** “Recommendation to approve and execute an Ordinance amending Ordinance Nos. 981, 1092, 1110, 1237, 1276 and 1317; authorizing the issuance and exchange by Washoe County, Nevada of Washoe County, Nevada General Obligation (limited tax) Sewer Bond (additionally secured by pledged revenues) Series 1997, Washoe County, Nevada, General Obligation (limited tax) sewer bond (STMWRF) (additionally secured by pledged revenues), Series 2000A, Washoe County, Nevada, General Obligation (limited tax) Sewer Bond (Horizon Hills) (additionally secured by pledged revenues), Series 2000B, Washoe County, Nevada, General Obligation (limited tax) Sewer Bond (STMWRF) (additionally secured by pledged revenues), Series 2001, Washoe County, Nevada, General Obligation (limited tax) Sewer Bond (additionally secured by pledged revenues), Series 2004, Washoe County, Nevada, General Obligation (limited tax) Sewer Bond (additionally secured by pledged revenues), Series 2005A and Washoe County, Nevada, General Obligation (limited tax) Storm Sewer Bond (additionally secured by pledged revenues), Series 2006 in the aggregate maximum principal amount of \$24,000,000 for the purpose of financing sewer projects by exchanging the bonds for previously

issued bonds of the county; and providing for its adoption as if an emergency exists; and providing other matters relating thereto--Comptroller. (All Commission Districts.)”

Nancy Parent, Chief Deputy Clerk, read the title for Bill No. 1724, Ordinance No. 1543.

Paul Lipparelli, Legal Counsel, said there was not actual emergency, but when the Board was considering adoption of ordinances for the issuance of debt it was permitted by Nevada Revised Statutes (NRS) 350.579 to do so as if an emergency existed. He stated that allowed the introduction and adoption to be done together. He said that was done because, when the bonds were being priced, the approval needed to be done to ensure there would be no lag between the time the market knew the bonds were coming and the time they were approved.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Jung, which motion duly carried, Chairman Humke ordered that Ordinance No. 1543, Bill No. 1724, entitled, **"AN ORDINANCE AMENDING ORDINANCE NOS. 981, 1092, 1110, 1237, 1276 AND 1317; AUTHORIZING THE ISSUANCE AND EXCHANGE BY WASHOE COUNTY, NEVADA OF WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 1997, WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (STMWRF)(ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2000A, WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (HORIZON HILLS)(ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2000B, WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (STMWRF)(ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2001, WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2004, WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005A AND WASHOE COUNTY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) STORM SEWER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2006 IN THE AGGREGATE MAXIMUM PRINCIPAL AMOUNT OF \$24,000,000 FOR THE PURPOSE OF FINANCING SEWER PROJECTS BY EXCHANGING THE BONDS FOR PREVIOUSLY ISSUED BONDS OF THE COUNTY; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING OTHER MATTERS RELATING THERETO,"** be approved, adopted as if an emergency existed and published in accordance with NRS 244.100.

**14-0831      AGENDA ITEM 16 – MANAGER**

**Agenda Subject:** “Update and discussion regarding the 28<sup>th</sup> (2014) Special Session, 2014 Nevada Legislative Interim Committees and Studies, legislation or legislative issues proposed by legislators, or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chair or the Board to be of critical significance to Washoe County--Manager. (All Commission Districts.)”

John Slaughter, County Manager, noted an update on Tesla Motors and the Special Session of the Nevada Legislature was provided during Agenda Item 8.

Al Rogers, Management Services Director, said an update regarding the Special Session was also included as part of the staff report dated September 16, 2014. He stated there were 509 bill draft requests (BDRs) online. He said he and the County's new Government Affairs Manager had gone through almost 200 of them and 147 had a potential impact on Washoe County. He said the BDR's brought forward by the other cities and counties were included in that list. He stated a lot was going on to get ready for the 78th Legislative Session.

Chairman Humke said the Special Session consisted of four bills and they all were passed unanimously in both houses. Mr. Rogers replied that was correct. He said included in the staff report were all of the fiscal notes brought forward during the Special Session. He noted Washoe County did not submit any fiscal notes.

There was no public comment or action taken on this item.

**2:09 p.m.**      The Board recessed.

**6:00 p.m.**      The Board reconvened with Commissioner Weber absent.

**PUBLIC HEARINGS**

**14-0832      AGENDA ITEM 17 – DISTRICT ATTORNEY**

**Agenda Subject:** “Introduction and first reading of an Ordinance providing for the full consideration of protests of the merger of the South Truckee Meadows General Improvement District into the Truckee Meadows Water Authority; finalizing said merger; providing for the final dissolution of South Truckee Meadows General Improvement District and its Board of Trustees; and providing for other matters properly relating thereto--District Attorney. (All Commission Districts.)”

Nancy Parent, Chief Deputy Clerk, read the title for Bill No. 1725. She noted the Clerk's Office received eight letters of protest out of the 3,725 notices mailed on July 25, 2014.

Paul Lipparelli, Legal Counsel, advised the second reading would be held on October 14, 2014.

**6:04 p.m.** Commissioner Weber arrived.

Chairman Humke asked if Mr. Lipparelli had advice on how to handle this somewhat unusual item. Mr. Lipparelli stated he was not aware of the Board dissolving a General Improvement District (GID) in recent history. He said this was part of the plan to merge STMGID and Washoe County's water utility into TMWA, with STMGID's and the County's customers becoming customers of TMWA. He stated the statutes that dealt with this issue were not great, so the lawyers working with the South Truckee Meadows GID (STMGID), the County, the Truckee Meadows Water Authority (TMWA), and all of the other people involved in the ultimate merger had scrutinized the item and came up with this process. He said the process started on July 22, 2014, when the Board adopted an ordinance declaring its intent to dissolve STMGID. He stated part of that hearing involved directing the Clerk to send written notices to STMGID's ratepayers, which put those people in the position to protest the dissolution of STMGID. He noted those protest letters were in the possession of the Clerk, and the Board was encouraged to consider those protests tonight. He advised the statute said the Board was permitted to go forward with the dissolution unless the majority of STMGID's parcel owners objected. He stated because the statute was not clear, the advice was to accept any protests tonight and to continue the hearing until October 14, 2014, which would allow people the maximum opportunity to register their objections.

**6:05 p.m.** The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Commissioner Hartung asked how many members STMGID had. Steve Cohen, STMGID Chairman, replied STMGID had just under 4,000 members. Commissioner Hartung asked what the general consensus was regarding the merger. Mr. Cohen said in the beginning people did not like that the merger was being forced on STMGID due to the Department of Water Resources (DWR) merger with TMWA, which led to a lot of community outreach being done over the last few years. He stated STMGID's Local Managing Board (LMB) spoke up and was made STMGID's Board of Trustees (BOT) by the Board of County Commissioners (BCC). He said that allowed STMGID to negotiate directly with TMWA to achieve what he felt was a very favorable outcome. He said the BOT voted to accept the merger last December and having only eight protest letters from the 3,725 letters mailed out showed there had been a tremendous amount of outreach done to explain how the merger would affect STMGID's ratepayers. He felt a very good job had been done in going above and beyond what was required to make sure everyone understood and was happy.

Commissioner Hartung asked if there would be a rate increase for STMGID's customers. Mr. Cohen said the rates would stay the same until TMWA's debt was paid off or unless someone sold their home. He said the only exception to the rate increase would be if the home was quick claimed or deeded to a family member. He

stated STMGID's ratepayers would not be included in having to pay off TMWA's debt of just under a half of a billion dollars. He said that debt equated to about 40 percent of TMWA's rates, and STMGID's rates were 40 percent less than TMWA's rates.

Commissioner Hartung asked if STMGID could be a standalone entity without the assistance of the soon to be defunct DWR or TMWA. Mr. Cohen stated years ago he tried to bring in another company to manage STMGID, but STMGID's and the County's systems were built together. He stated even though they were separate entities, STMGID was managed by the County. He said the best use of everyone's money was to not build separate lines right next to each other, so there was a lot of shared use, and it would cost \$8 to \$15 million to separate those lines. He felt it would not be wise to spend that kind of money for 3,700 customers, because STMGID's water costs would go from being the cheapest to the most expensive. He said since STMGID's territory was surrounded, there was no potential for future growth. He said standing alone was not the most viable option, even though he and most of STMGID's ratepayers would prefer having their own system, and it was really hard to take this step of saying goodbye to STMGID. Commissioner Hartung asked if Mr. Cohen felt it was a wise move. Mr. Cohen said it was definitely the wisest move, because it would keep STMGID's rates low and STMGID's ratepayers would not pay any of TMWA's debt.

Mr. Lipparelli advised Section 4 of the Ordinance provided for STMGID's dissolution, which would take affect when the merger of all three of the water companies happened. He said if something would intervene to stop or delay the merger, STMGID would remain as an entity until the merger closed. He stated everyone was working towards the completion of the merger and everything was on track at this point. Mr. Cohen said even after the second reading of the ordinance occurred, STMGID would still exist until the conditions of the agreement were met, which was projected to occur on December 31, 2014 or January 1, 2015.

Commissioner Berkbigler asked if STMGID did anything else besides oversee the water system. Mr. Cohen replied STMGID was a groundwater only company. Commissioner Berkbigler asked why STMGID would have to put in new pipes. Mr. Cohen said the County and STMGID shared the pipes. He stated STMGID would have to be made whole, because there would be a liability on STMGID and not the County if STMGID would stand up on its own. Commissioner Berkbigler noted if the Board did not approve this ordinance, STMGID would be left in limbo. Mr. Cohen replied that was correct. He said if the County did not merge with TMWA, the County would have to continue to manage STMGID and there would be issues and costs involved with that happening. He noted Legal Counsel felt there were no deal breakers in the way of the merger. He said STMGID's Well No. 9 contained arsenic, which was probably the biggest item left for STMGID to take care of before the end of the year. He stated the well needed to be capped and the property and equipment on it sold by December 31, 2014. He stated any money not needed to make STMGID fit into TMWA's system would be rebated to STMGID's customers on January 1, 2015, which would include anything gained from the sale of Well No. 9. He said the rebate check should be for \$600 to \$700.

Chairman Humke asked if Mr. Cohen examined the protest letters. Mr. Cohen said he read them, and he noticed they contained some misinformation, such as the assumption that their rates would go up. Chairman Humke asked if he recalled any of those people attending the STMGID Board meetings. Mr. Cohen replied he did not recall seeing them by name. Chairman Humke asked if Mr. Cohen recalled the earlier protest conducted by several citizens under the requirements of NRS 318. Mr. Cohen said there was a large vocal group of about 300 people at a meeting a couple of years ago. He stated from that meeting a group called Protect Our Water became active again. He said they went door-to-door, and he believed they had well over half the number of the protests required to stop the merger. He stated since then, a deal was worked out that was acceptable to TMWA and to STMGID's residents and Board. He felt receiving only eight protests showed that STMGID's Board did a good job of explaining everything to its ratepayers.

Chairman Humke stated at a joint meeting of STMGID's LMB and the BCC in December 2012, a citizen asked why STMGID was merging with TMWA. He said several of us listened to him and worked at stopping TMWA from going forward with the merger, because at that time TMWA would not negotiate directly with STMGID. He stated the BCC made STMGID's LMB the BOT for STMGID and advised TMWA the merger would not go forward until TMWA negotiated directly with STMGID. He asked if that sounded familiar. Mr. Cohen replied it did. Chairman Humke said the BOT sat down and negotiated with TMWA. He asked if the earlier protest worked even if the trigger was not pulled. Mr. Cohen said it definitely worked. He felt the hardest thing for the ratepayers was to take their emotions out of it. He said when someone sat down and looked at the facts, people could not answer why they did not want to merge with TMWA; and it took a lot of education to change that thought process. He stated this merger was what was best for STMGID's customers, which was what he was elected to do.

Chairman Humke noted that when looking at STMGID's customer base, the question would be was STMGID large enough to justify standing on its own. He stated most people answered that question in the negative. Mr. Cohen agreed. He stated having only 3,700 customers and being required to treat arsenic, boron, and other things would be an expensive process that would require a lot of maintenance.

Chairman Humke thanked the past and present members of STMGID's Board for their service to STMGID's ratepayers. Commissioner Hartung felt this was a wonderful deal for STMGID's ratepayers. He said being part of a larger organization made a huge difference in terms of consistency in the quality and the supply of water the customers would receive.

Nancy Parent, County Clerk, said no one signed in for public comment. Chairman Humke asked if anyone present wanted to give testimony. There was no response. He recessed the public hearing until October 14, 2014.



Bill No. 1725, entitled, "AN ORDINANCE PROVIDING FOR THE FULL CONSIDERATION OF PROTESTS OF THE MERGER OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT INTO THE TRUCKEE MEADOWS WATER AUTHORITY; FINALIZING SAID MERGER; PROVIDING FOR THE FINAL DISSOLUTION OF THE SOUTH TRUCKEE MEADOWS GENERAL IMPROVEMENT DISTRICT AND ITS BOARD OF TRUSTEES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Hartung, and legal notice for final action of adoption was directed.

Chairman Humke asked if everything was acceptable from a legal standpoint. Mr. Lipparelli replied it was.

**14-0833      AGENDA ITEM 18 – MANAGER**

**Agenda Subject:** "Public Hearing on the Community Development Block Grant (CDBG) program. The public is invited to provide ideas, comments and suggestions concerning potential projects for CDBG funding applications. Washoe County is eligible to apply for projects located in unincorporated areas of the County. [No Fiscal Impact]--Manager. (All Commission Districts.)"

**6:29 p.m.**      The Chairman opened the public hearing by calling on anyone wishing to speak.

Gabrielle Enfield, County Grants Administrator, conducted a PowerPoint presentation highlighting the CDBG Program overview, the national objective, the benefit low- and moderate-income (LMI), the eligibility to receive funds, the eligible and ineligible activities, the State CDBG Program priorities, the set-aside for special projects, the CDBG and the Washoe Application processes, the past CDBG projects, and the current CDBG project.

**6:35 p.m.**      Chairman Humke left the meeting during Ms. Enfield's presentation and Vice Chairperson Weber assumed the gavel.

Vice Chairperson Weber noted the CDBG Program brought fire equipment and an ambulance to Gerlach and sidewalks and other programs to Sun Valley.

Commissioner Hartung thanked Ms. Enfield for her hard work on the CDBG Program.

There was no public comment on this item.

On motion by Commissioner Hartung, seconded by Commissioner Berkbigger, which motion duly carried with Chairman Humke absent, it was ordered that the report on the Community Development Block Grant (CDBG) Program be accepted.

**Agenda Subject:** “Public hearing for Appeal Case Number AX14-002, to review and affirm or reverse a denial by the Board of Adjustment and possibly grant the Variance for Variance Case Number VA14-004 (Grable Ronning) to reduce the side yard setback from 8 feet to 3 feet for construction of a new dwelling at 400 Gonowabi Road, Crystal Bay, Nevada--Community Services. (Commission District 1.)”

Roger Pelham, Senior Planner, said Appeal Case Number AX14-002 issued by Grable Ronning was regarding a denial of a variance request by the Board of Adjustment (BOA). He conducted a PowerPoint presentation highlighting the vicinity map, the existing site plan, the proposed site plan, the detail of the proposed site plan, the proposed elevations, background, analysis, photos, public comment, recommendation, and possible motions to affirm BOA or reverse the denial by the BOA.

While discussing the analysis, Mr. Pelham noted Nevada Revised Statute (NRS) 278.300(1)(c) limited the BOAs power to grant variances in certain circumstances and those circumstances were written into the County's Development Code. Slide 18 listed the circumstances that the appeal contended were unique to the subject parcel, Slide 19 listed what the BOA considered before determining there was no unique hardship, and Slide 20 listed the findings made by the BOA.

Mr. Pelham said if the Board chose to reverse the decision of the BOA, a standard set of conditions should be included in the motion, which could be found on page 6 of the staff report dated August 20, 2014.

**6:48 p.m.** The Vice Chairperson opened the public hearing by calling on anyone wishing to speak for or against Appeal Case Number AX14-002.

Commissioner Berkbigler said Mr. Pelham's staff report was fabulous. She stated she had concerns about some of the language in the motion to reverse the denial. She said there was a requirement in Condition of Approval B on page 6 of the staff report dated August 20, 2014, which stated construction must begin within two years of Washoe County's approval or reversal. She stated the problem with that timeframe was this project still had to go through the Tahoe Regional Planning Agency (TRPA) review, which could be a lengthy process. She said if the board chose to reverse the denial it would be better to make the language state, “two years from when the permit was approved by the TRPA.” She felt anything else would be putting a hardship on the Applicant who was trying to build, because there was no way of knowing how long it would take TRPA to work through their approval process.

Commissioner Berkbigler said her second concern was regarding Condition of Approval D, which said the setback could not get any closer than three feet to the property line. She agreed that the building itself could not, but what about the

gutters. She felt D should say, "...the structure cannot cross the property line." and remove, "...or closer than three feet to the property line." She wanted to make sure the structure had gutters, because the State did not want any of the water from the building to drain onto the State's property. She stated the gutters would be three inches deep at the most and she did not want to hamstring the owners, but at the same time she did not want the County to be in noncompliance with what the State asked for regarding conditions on the State's property.

Commissioner Berkbigler said under Condition of Approval F, she was not sure why the County would require a Hold Harmless Agreement because, as she understood it, the hold harmless clause was for the front of the building to the street right-of-way. She said this proposal did not ask the County to approve anything closer than 15 feet. She stated it did not seem appropriate to require something that applied to a different area of the lot than what the variance applied to.

Bill Whitney, Planning and Development Division Director, said imposing Condition of Approval F, the Hold Harmless Agreement, was the standard practice when a dwelling was within 15 feet of the roadway; and the Hold Harmless Agreement was spelled out in the County's Code. Commissioner Berkbigler asked if it was something that would be required of any developer at the Lake when the dwelling would be within 15 feet of the roadway. Mr. Whitney replied it was. Commissioner Berkbigler said she was fine with that in that case, and she did not see any reason why that would be a problem. She stated it was important to protect the interests of the County if snow was being moved by the County.

Commissioner Hartung asked if the County would have any liability if this were approved with the neighbor implying it impaired his view. Paul Lipparelli, Legal Counsel, said you could not say there would never be any liability, but his understanding was this was a variance regarding the side-yard setback. He stated the Applicant had the right to build the structure at the proposed height and was not seeking a variance from the height restriction. He said the neighbor complaining about the view did not have a complaint about the south side-yard setback.

Robert Angres said he was here on behalf of Ms. Ronning. He stated the appeal document provided to the Board by the Appellant provided ample information that the denial of the variance by the BOA should be reversed and the variance granted. He stated Commissioner Berkbigler addressed most of what he needed to say about the conditions, but he did want to add one unique circumstance regarding Condition of Approval F. He said there was an easement for Washoe County and Washoe County as a part of that easement had all of the responsibility for the road. He stated if there was a Hold Harmless Agreement and the County came to the landowner to seek indemnification, the landowner would be cross-claiming for indemnification with the County. He said the easement was gifted to Washoe County that was part and parcel of the enormous reduction in the building envelope, and was why we were asking the Hold Harmless Agreement be dispensed with. He said Washoe County had the entire

obligation regarding that portion of the Appellant's property. He noted there was no scenic easement in Nevada, and Mr. Lipparelli had already disposed of that issue.

Mr. Angres said the threshold issue was that of making a finding of special circumstances and all else truly followed from that. He stated the BOA made an incorrect finding with respect to the special circumstances in this case. He said everyone was aware that any circumstance could be viewed in a jaundiced way for whatever reason, which could lead to a contrary conclusion, but the Appellant was just looking for common sense to be used in this case. He stated it would be hard to imagine a parcel within Incline Village/Crystal Bay that had as many special circumstances as the Appellant's parcel. He stated the lot was reduced from its optimal use due to its steepness, which was sometimes in excess of 30 percent. He said the proliferation of boulders and the historic tram further attenuated the building pad. He stated if that was not sufficient, there was a substantial easement in favor of the County and another easement for the State lands. He said the gifted easement for the hairpin turn was located on the Appellant's property, and substantially reduced the building envelope. He stated more importantly it heightened the need for a line-of-sight egress.

**6:58 p.m.** Chairman Humke returned and assumed the gavel.

Mr. Angres said if the garage was placed where staff suggested, it would cause a blind egress but, if it was placed as he suggested, someone pulling out could see the cars coming in either direction. He stated the huge riprap bank was crucial to protect the road. He said with all of the impingements, the lot shape for building purposes was quite irregular. He stated that demonstrated unequivocally that it literally screamed out special circumstances and hardship when compared to the appropriate pool of MDS properties within the area that contained approximately 3,000 parcels. He said once those special circumstances were acknowledged, all of the other findings could easily be made. He stated there was no deterrent, the Nevada Division of State Lands acknowledged its acceptance of the variance request, the advisory boards had no objection, the Citizen Advisory Board members indicated their support, the fire department sent a letter of approval, and numerous neighbors wrote in support. He said except for one legally and morally estopped neighbor, no entity objected. He stated the remaining concern was for the appropriate conditions, which had already been addressed, and Ms. Ronning should be granted the variance with the appropriate conditions.

Wayne Ford, residential designer for the Appellant's project, conducted a PowerPoint presentation that showed pictures and exhibits illustrating what Mr. Angres discussed. A copy of the presentation was placed on file with the Clerk.

Commissioner Berkbigler believed this Commission could find that there were special circumstances with the Appellant's property, largely due to the pictures just presented and how the road right-of-way went into the property. She felt the Commission had the ability to reverse the denial by the BOA.

Commissioner Berkbigler made a motion to reverse the denial by the Board of Adjustment. Commissioner Jung seconded the motion.

There was no response to the call for public comment.

Commissioner Berkbigler said she wanted to make sure the proposed motion followed the motion included in the Board's packet with the change to Condition of Approval B to remove, "...by the date of approval by Washoe County." and replace it with, "...when the permit was approved by the Tahoe Regional Planning Agency." She said the change to Condition of Approval D would be to put a period on the fourth line after "...property line" and remove "or closer than three feet to the property line," due to her concern regarding the drainage system the Appellant was using could encroach on the three feet to the property line.

Commissioner Berkbigler asked about removing Condition of Approval F, the Hold Harmless Agreement, due to the variance request relating to the side yard. Dwayne Smith, Engineering and Capital Projects Director, said the Agreement was a standard condition of granting a variance when a building was within 15 feet of the edge of the right-of-way. He stated he just reviewed the plans and the building sat 15 feet back from the edge of the roadway. He said based on the distance of the setback, he did not have a problem with removing the Hold Harmless Agreement requirement from this project, which would be consistent with the Hold Harmless requirement in other areas.

Commissioner Berkbigler said Condition of Approval F should be deleted in its entirety. She also felt Condition of Approval G, garage-door openers, should also be deleted in its entirety because it was not clear why the County would be mandating garage-door openers be installed. Mr. Smith said Condition of Approval G was included due to the issues associated with the roadway. Mr. Andres said leaving in Condition of Approval G would not be an issue, because a garage-door opener was needed due to the circumstances.

Commissioner Berkbigler further amended the motion to remove Condition of Approval F and to leave in Condition of Approval G. Commissioner Jung agreed to those changes as the seconder.

On the call for the question, the vote was 5 to 0 in favor of the motion.

14-0835

#### **AGENDA ITEM 20 – REPORTS AND UPDATES**

**Agenda Subject:** "Reports/updates from County Commission members concerning various boards/commissions they may be a member of or liaison to."

Commissioner Jung said she attended the Truckee Meadows Water Authority (TMWA) meeting last week. She stated when TMWA asked for voluntary cutbacks on water usage, the compliance rate was more than what was requested. She stated she represented the Board at the Retired Officers Association of America

fundraiser where Ty Cobb spoke about the role he played in the final weeks of the troop drawdown in Vietnam.

Commissioner Hartung stated he attended the Western Regional Water meeting shortly after the TMWA meeting and the Nevada State Land Use Planning Advisory Council (SLUPAC) meeting in Ely. He said he visited Great Basin National Park, which was a wonderful park and was the only National Park in the State of Nevada. He stated one discussion at the SLUPAC meeting was about the Environmental Protection Agency (EPA) proposal to change the definition of the Waters of the U.S., which most people would think of as being navigable waters. He said the change would mean even the dry washes in Nevada would come under the purview of the EPA. He said that change was of great concern and SLUPAC was sending the message we did not support it. He stated he was also informed that the report the Nevada Lands Task Force prepared and sent to the Legislature was not heard by the Legislative Counsel Bureau (LCB) due to it being killed by Senator Harry Reid, which might have something to do with Senator Reid's bills in Congress. He stated he was disappointed the report was not read, because an immense amount of staff and elected official's time had been invested in the report.

Commissioner Berkbigler said she sent an e-mail to the County Manager about sending a grassroots resolution to the County's elected representatives regarding how the federal ownership of land in Nevada drastically impacted us in growing business and maintaining our water. She stated it was not just about the federal ownership, but was also about their regulations. She said if the other Commissioners agreed, the grassroots resolution should be brought back as an agenda item. She stated she attended the Tahoe Transportation District (TTD) meeting where there was an extensive discussion about the roundabouts going in at the Lane. She stated there was a great deal of concern about the Martis Creek Project and the possible transportation problem it could create going into Incline Village. She stated work was continuing on the Stateline-to-Stateline bike trail. She said there would be a Tahoe Regional Planning Agency (TRPA) meeting tomorrow.

Commissioner Weber said there was a Regional Transportation Commission (RTC) meeting to discuss unmet senior, disabled, and indigent transportation needs. She stated halfway through the meeting she said she felt it was time to look at if there would be transit for all of the unmet needs, which could not be done with passing out approximately \$600,000 to the nonprofit organizations. She said there was a discussion about the RTC and the County and how they would help with the nonprofit organizations. She said the outcome was a dispatch system would be looked at. She felt this might lead to a change in the way this community did things. She noted the Economic Development Authority of Western Nevada (EDAWN) celebration would be on the Commission's meeting day, and she asked if the public hearings could be moved to 6:30 p.m. to allow the Commissioners to attend the celebration. She noted there would be a Reno-Sparks Convention and Visitor's Authority (RSCVA) meeting next Thursday. She stated the Nevada Association of Counties (NACo) had its celebration and Board meeting last Friday.

Chairman Humke discussed serial bills and how some years you got some things and other years it got killed. He advised getting back on the horse and to keep on riding regarding the land bill. Commissioner Hartung said it would have been nice if the report had just been heard.

Chairman Humke said he attended an RTC subcommittee meeting regarding the Regional Road Impact Fee (RRIF) where the useful life of the RRIF credits was extended. He said on Friday there would be a Criminal Justice Advisory Committee (CJAC) stakeholder meeting.

Chairman Humke said he received an e-mail from Bill Berrum, former Washoe County Treasurer, indicating Don Manoukian had passed away. He stated he sent his thoughts and prayers to Mr. Manoukian's family.

Commissioner Hartung suggested moving this item to coincide with Agenda Item 4.

**14-0836      AGENDA ITEM 21 – CLOSED SESSION**

**Agenda Subject:** "Possible Closed Session for the purpose of discussing labor negotiations with Washoe County, Truckee Meadows Fire Protection District and/or Sierra Fire Protection District per NRS 288.220."

There was no closed session for Washoe County.

**14-0837      AGENDA ITEM 23 – PUBLIC COMMENT**

**Agenda Subject:** "Public Comment. Comment heard under this item will be limited to three minutes per person and may pertain to matters both on and off the Commission agenda. The Commission will also hear public comment during individual action items, with comment limited to three minutes per person. Comments are to be made to the Commission as a whole."

There was no response to the call for public comment.

**COMMUNICATIONS**

**14-0838**      Letter from the Washoe County Clerk to Kendra S. Follett of Sherman & Howard with enclosed Affidavit of Filing of Certified Signature with the Secretary of State for Nancy Parent in regards to the Washoe County, Nevada General Obligation Building Bonds-Series 2015 and the Washoe County, Nevada General Obligation Sales Tax Revenue Refunding Bonds-Series 2015.

**14-0839**      Letter of Execution from State of Nevada Department of Transportation to Q & D Construction, Inc. regarding Contract No. 3574, Project No. NHP-

580-1 (031), BR-080-1 (168), I 580 FROM MOANA LANE TO THE TRUCKEE RIVER MP WA 22.58 TO 25.34, Washoe County.

**QUARTERLY REPORTS**

- 14-0840 Office of the Constable for Incline Village / Crystal Bay Township – Quarterly Report of Revenues Received, period ending June 2014.
- 14-0841 Washoe County Clerk's Quarterly Financial Statement, Quarter FY 2013/2014, April 1st – June 30th, 2014.
- 14-0842 Washoe County Sheriff – 4th Quarter Report of Civil Fees and Commissions for FY 2013/2014.
- 14-0843 Washoe County Clerk of the Court – Quarterly Financial Statement, Quarter Ending June 2014.

**COMPREHENSIVE ANNUAL REPORTS/FINANCIAL STATEMENTS**

- 14-0844 Monthly Statement of Washoe County Treasurer for Month Ending July 31, 2014.
- 14-0845 Washoe County Investment Portfolio - Annual Report for fiscal year ending June 30, 2014 from the Washoe County Treasurer.

\* \* \* \* \*

7:38 p.m. There being no further business to discuss, the meeting was adjourned without objection.

\_\_\_\_\_  
DAVID HUMKE, Chairman  
Washoe County Commission

ATTEST  
\_\_\_\_\_  
NANCY PARENT, County Clerk and  
Clerk of the Board of County Commissioners

*Minutes Prepared by:  
Jan Frazzetta, Deputy County Clerk*